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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,306	03/19/2004	Anthony E. Tognetti	5709-169	7334

7590 06/21/2005

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EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/804,306

Applicant(s)

TOGNETTI ET AL.

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/22/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "62" in figures 2 and 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 15, 16 are objected to because the preamble of claim 15 does not agree with the preamble of claim 9 and because "a first and a second spaced apart flanges" on line 5 of claim 16 are grammatically awkward and confusing. Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 2-4, 10-13 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "a motor vehicle" on lines 2-3 of claim 2 render the claims indefinite because it is unclear if the applicant is referring to the motor vehicle set forth above or is attempting to set forth a motor vehicle in addition to the one set forth above. Recitations such as "small" on line 2 of claim 4 render the claims indefinite because they are relative terms whose meaning is not readily ascertained by one with ordinary skill in the art and is not defined by the specification. Recitations such as "an end" on line 2 of claim 10 render the claims indefinite because it is unclear if the applicant is referring to the end set forth above or is attempting to set forth another end in addition to the one set forth above. Recitations such as "said thin layer" on lines 1-2 of claim 13 render the claims indefinite because they lack antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 5, 7-10, 12, 14-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nowosiadly '631 in view of Dover. Nowosiadly '631, in figure

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8, discloses a weatherstrip for a window opening of a motor vehicle comprising, in combination, a generally U-shaped body 212 having a first, shorter leg 222 having a first end and a second, longer leg 218 having a second end, a latch member 232 disposed on said second end, a first 206 and a second 250 spaced apart flange extending from said second leg, said flanges each including a surface having flocking 246 and 252, respectively, disposed thereupon, said shorter leg having a show surface including a layer 240, the first end includes a member 242, a pair of flanges 236. Nowosiadly '631 is silent concerning the show layer comprising a thermoplastic olefin material.

However, Dover discloses a weatherstrip comprising a show surface including a layer 50 wherein the layer 50 comprises a thermoplastic olefin material. See column 4, lines 19-66.

It would have been obvious to one of ordinary skill in the art to provide Nowosiadly '631 with a thermoplastic olefin material, as taught by Dover, to improve the aesthetics of the seal by matching the color of the seal to the color scheme of the vehicle.

Claims 3, 6, 11, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nowosiadly '631 in view of Dover as applied to claims 1, 2, 4, 5, 7-10, 12, 14-18 and 20 above, and further in view of Belser et al. Belser et al. discloses a weatherstrip comprising flocking 30 and a show surface layer 40 having a thickness of less than 500 microns thick.

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It would have been obvious to one of ordinary skill in the art to provide Nowosiadly '631, as modified above, with a flocking, as taught by Belser et al., on the member adapted to contact the body of the vehicle and a show surface layer with a thickness of less than 500 microns, as taught by Belser et al., to provide a better seal between the weatherstrip and the body and to reduce the cost of manufacturing the weatherstrip, respectively.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shinagawa et al., Hamabata, Takahashi et al., Cretin, Dupuy '911, Maki, Mueller et al. and Vaughan are cited for disclosing a beltline weatherstrip.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu
Primary Examiner
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June 13, 2005